

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC VON MAJOR,

Plaintiff,

v.

THOMAS SIRE and DOES 1 THROUGH
20,

Defendants.

Case No. 1:23-cv-01683-KES-BAM

**INFORMATIONAL ORDER FOR SERVICE
BY CLERK OF COURT**

Plaintiff Eric Von Major, proceeding through counsel, initiated this action on December 1, 2023, against Defendant Thomas Sire. Defendant Sire is proceeding pro se. The Court therefore provides the following information relevant to *pro se* litigants. In litigating this action, the parties must comply with the Federal Rules of Civil Procedure (F.R.C.P.) and the Local Rules of the United States District Court, Eastern District of California (Local Rules). **FAILURE TO COMPLY WITH THE LOCAL RULES, FEDERAL RULES OR A COURT ORDER, INCLUDING THIS ORDER, WILL BE GROUNDS FOR DISMISSAL OR OTHER APPROPRIATE SANCTIONS.** *See* Local Rule 110; Fed. R. Civ. P. 41(b).

1. Documents intended to be filed with the Court must be mailed to the Clerk of the Court. *See* Local Rule 134(a). **All documents improperly mailed to a judge's chambers will be stricken from the record.** A document requesting a Court order must be styled as a motion.

1 See Fed. R. Civ. P. 7.

2 2. Each document submitted for filing must include the original signature of the
3 filing party or parties. Local Rule 131; Fed. R. Civ. P. 11(a). **All documents submitted without**
4 **the required signature(s) will be stricken.**¹ Each separate document must be separately stapled.
5 See Local Rule 130. If a document is stapled behind another document, it will not be filed and
6 will not be entered on this Court's docket.

7 3. All documents filed with the Court must be submitted with an additional legible
8 conformed copy for the Court's use. *See* Local Rule 133(d)(2). **A document submitted without**
9 **an extra copy for the Court's use will be stricken.** If the filing party wishes the Court to return
10 a file-stamped copy, he or she must include an additional copy for that purpose (i.e., submit an
11 original and two copies, one for the Court's use and one to be returned). **The Court cannot**
12 **provide copy or mailing service for a party.** Therefore, if the filing party wishes a file-stamped
13 copy returned, the party must also provide an envelope with adequate postage pre-paid. Copies of
14 documents from the Court file may be obtained at the cost of 50 cents per page.

15 4. After any defendants have appeared in an action by filing a pleading responsive to
16 the complaint (i.e., an answer or a motion to dismiss), all documents filed with the Court must
17 include a certificate of service stating that a copy of the document was served on the opposing
18 party. *See* Fed. R. Civ. P. 5; Local Rule 135(c). **A document submitted without the required**
19 **proof of service will be stricken.** Where a party is represented, service on the party's attorney of
20 record constitutes effective service. A sample of a proper proof of service is attached hereto.

21 5. All filings must bear the file number assigned to the action, followed by the initials
22 of the District Court Judge and the Magistrate Judge to whom the case is assigned.

23 6. The Court cannot serve as a repository for the parties' evidence. The parties may
24 not file evidence with the Court until the course of litigation brings the evidence into question (for
25 example, on a motion for summary judgment, at trial, or when requested by the Court). **Evidence**
26 **improperly submitted to the Court will be stricken and returned to the party.**

27 7. All Court deadlines will be strictly enforced. Requests for time extensions must

28 ¹ When a document is stricken, it becomes a nullity and is not considered by the Court for any purposes.

1 state the reason the extension is needed and must be filed with the Court before the deadline in
2 question. *See Local Rule 144.*

3 8. An individual proceeding in propria persona has an affirmative duty to keep the
4 Court and opposing parties informed of his or her current address. If an individual appearing in
5 propria persona moves and fails to file a notice of change of address, service of Court orders at
6 the individual's prior address shall constitute effective notice. *See Local Rule 182(f).* If mail
7 directed to the individual is returned by the U.S. Postal Service as undeliverable, the Court will
8 not attempt to re-mail it.

9 9. Due to the press of business, the Court cannot respond to individual requests for
10 the status of cases. Any such requests will be denied. So long as the parties inform the Court of
11 any address changes in compliance with Local Rule 183(b), the Court will notify the parties of
12 any Court action taken in their case.

13 10. Unless otherwise ordered, all motions to dismiss, motions for summary judgment,
14 motions concerning discovery, motions pursuant to Fed. R. Civ. P. 7, 11, 12, 15, 41, 55, 56, 59
15 and 60, and motions pursuant to Local Rule 110 shall be briefed pursuant to Local Rule 230.
16 Failure to oppose such a motion timely may be deemed a waiver of opposition to the motion.

17 11. A motion supported by affidavits or declarations that are unsigned will be stricken.

18 12. The failure of any party to comply with this order, the Federal Rules of Civil
19 Procedure, or the Local Rules of Court, may result in the imposition of sanctions including, but
20 not limited to, dismissal of the action or entry of default.

21 IT IS SO ORDERED.
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23 Dated: September 30, 2024

24 /s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE
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